

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LEWIS COSBY, ERIC MONTAGUE, and)
MARTIN ZIESMAN, as Co-Trustee for the)
Carolyn K. Ziesman Revocable Trust, on behalf)
of himself and all others similarly situated,)
)
Plaintiffs,)
v.)
)
KPMG, LLP,)
)
Defendant.)

No. 3:16-CV-121-TAV-DCP

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Order [Doc. 248] of referral by the District Judge.

This case is before the Court on the Motion for Attorney’s Fees [Doc. 238], filed by Gordon Ball. It appears to the Court that the parties have agreed to an attorney’s fee in this matter, but Plaintiffs’ attorneys disagree as to the division of attorney’s fees between the two firms—Gordon Ball LLC (“Gordon Ball”) and Cohen Milstein Sellers & Toll, PLLC (“Cohen Milstein”). Specifically, the motion states that the parties have settled this case and that Plaintiffs’ attorneys intend to seek 33% of the net recovery to the class. The motion further states that Gordon Ball and Cohen Milstein agreed to divide any attorney’s fees equally between them, but the motion also suggests that Cohen Milstein has now denied this agreement. The motion requests an evidentiary hearing to decide the amount of fees and expenses each firm should receive.

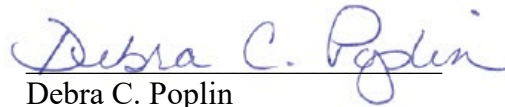
In addition, the Court observes that in Cohen Milstein’s memorandum of law in support of the requested attorney’s fees, Cohen Milstein “requests that the Court either refer the determination of how any attorney’s fee award should be divided among Co-Lead Counsel to Magistrate Judge

Poplin, who handled several substantive motions in this case, or alternatively, that the Court order separate briefing by Co-Lead Counsel regarding how the attorney's fee award should be divided in accordance with each firm's respective contributions to the successful resolution of this case.” [Doc. 246 pp. 8–9].

Before addressing the merits of Attorney Ball's motion, the Court **ORDERS** Attorney Ball to file a supplemental brief on or before **June 13, 2022**, to address (1) the Court's jurisdiction to hear this issue, and (2) whether this issue will affect the final fairness hearing scheduled for June 30, 2022, before the District Judge. Cohen Milstein **SHALL** file a response to Attorney Ball's motion and supplements brief on or before **June 17, 2022**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge